

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 3

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division.

Notification

8/3/2000/LA

The Goa Agricultural Tenancy (Validation of Appointment and Proceedings) Ordinance, 2000 (Ordinance No. 3 of 2000), which has been promulgated by the Governor of Goa on 17-2-2000, is hereby published for general information of the public.

P. V. Kudneker, Joint Secretary (Law).

Panaji, 18th February, 2000.

THE GOA AGRICULTURAL TENANCY (VALIDATION OF APPOINTMENT AND PROCEEDINGS) ORDINANCE, 2000

Ordinance No. 3 of 2000

Promulgated by the Governor of Goa in the Fifty-first Year of the Republic of India.

An Ordinance to validate certain appointments, notifications, notices, orders, etc., under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) and matters connected therewith.

Whereas the Legislature of the State of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.* — (1) This Ordinance may be called the Goa Agricultural Tenancy (Validation of Appointment and Proceedings) Ordinance, 2000.

(2) It shall come into force at once.

2. *Definitions.* — In this Ordinance, unless the context otherwise requires,—

(1) “said Act” means the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964);

(2) “Mamlatdar” means any officer appointed by the Government to perform the duties of Mamlatdar under the said Act;

(3) “Notification” means notification published by the Government in the Official Gazette under the said Act.

3. *Validation of certain appointments, notifications, notices, orders, etc.* — Notwithstanding anything contained in any judgement, decree or order of any Court, Tribunal or other authority,—

(1) No appointment of any persons made or purporting to have been made under, or for the purpose of the Goa, Daman and Diu Agricultural Tenancy Act, 1964

(Act 7 of 1964) (hereinafter referred to as the "principal Act"), before the commencement of this Ordinance, shall be deemed to be illegal or invalid, or ever to have been illegal or invalid merely on the ground that such appointment was not made in accordance with the provisions of clause (15) of section 2 of the principal Act, or on the ground that such appointment was not made under that section, or on both these grounds;

(2) No notices given or inquiries held, or disputes decided or orders made, or any acts done before the commencement of this Ordinance by the person purporting to act as Mamlatdar under the said Act, in respect of exercising the powers under the said Act, shall be deemed to be illegal and invalid merely on the ground that such jurisdiction was exercised or such act had been made or such act or proceedings or thing had been done or taken away, by, or before, a person whose appointment was not made in accordance with or under the provisions of section 2(15) of the principal Act, and accordingly,—

(i) all appointments made or purporting to have been made under or for the purpose of the said Act before the commencement of this Ordinance, shall for all purposes be deemed to have been made in accordance with law;

(ii) all jurisdictions exercised, orders made and all other acts, proceedings or things done or taken by a person whose appointment had been made as aforesaid, or by any other officer of the Government in connection with the said appointment or in connection with the levy or collection of rent, fee, or determination of rights, liabilities under the principal Act, shall for all purposes, be deemed to be as to have been exercised, made, done, taken in accordance with law.

4. No court shall have jurisdiction to entertain or try any legal suit or proceedings against the Government, or any officer of the Government or Mamlatdar, purporting to act under the said Act connected with the exercise of power under the said Act whatsoever on the ground that the appointment of such officer was invalid irrespective of reasons to the fact that such officer was not duly appointed to perform the functions of Mamlatdar in accordance with the said Act.

MOHD. FAZAL
Governor of Goa.

Date: 17-2-2000.